

My personal experience in the last 40 years is that no single method of copy control or scrambling has worked. All have been cracked in short time. The only people penalized by copy-guard schemes and flags are legitimate users. None of these schemes has ever stopped or slowed the real pirates.

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag.

I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me

more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment.

The broadcast flag seems designed to remove this control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up

with new, unanticipated ways of using it. For example, Sony invented the modern VCR --

a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia

invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has

the potential to put an end to that dynamic. Because the broadcast flag defines what uses

are authorized and which are not, unanticipated uses of content which are not foreseeable

today are by default unauthorized. If we allow the content industry to "lock in" the definition

of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated

but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted.

However, if theoretical prevention comes at the cost of prohibiting me from making legal,

personal use of my content, then the FCC should be working to protect all consumers rather

than enable those who would restrict consumer rights. In the case of the broadcast flag, it

seems that it will have little effect on piracy. With file-sharing networks, a TV program has

only to be cracked once, and it will propagate rapidly across the Internet. So, while I may

be required to purchase consumer electronic devices that cost more and allow me to do

less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.

Larry Tucker